

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA)	Criminal No. 7:20-CR-77
)	
V.)	
)	PETITION FOR WRIT OF HABEAS
GARY DONEL SMITH)	CORPUS AD PROSEQUENDUM
a.k.a.)	
GARY DONNELL SMITH, JR.)	
a.k.a.)	
GARY SMITH)	
a.k.a.)	
GARY DONELLE SMITH)	

Your petitioner, United States of America, by Charlene R. Day, Assistant United States Attorney for the Western District of Virginia, respectfully shows:

1. That this case is a prosecution upon an information, charging the defendant with violation of Title 8, United States Code, Section 1324.
2. That the presence of the said defendant before the United States District Court for the Western District of Virginia at Roanoke, Virginia, scheduled for an Informational Plea Appearance at 1:00 p.m. on December 10, 2020, is necessary and he is now in custody of the New River Valley Regional Jail.

WHEREFORE, your petitioner prays that a Writ Of Habeas Corpus Ad Prosequendum be issued to the United States Marshal for the Western District of Virginia, or any other authorized United States Marshal, who shall bring the defendant before the Court at the above time and place.

Dated: December 9, 2020

s/Charlene R. Day
Assistant United States Attorney

TO: New River Valley Regional Jail, 108 Baker Rd., Dublin, VA 24084; Telephone: (540) 643-2000.

GREETINGS:

WE COMMAND YOU that you surrender the body of **GARY DONEL SMITH** detained in the New River Valley Regional Jail, under your custody as it is said, to the United States Marshal for the Western District of Virginia, or one of his Deputies, or any other authorized United States Marshal, or any other authorized Federal Law Enforcement Agent/Officer to the end that his body will be before the United States District Court for the Western District of Virginia, at Roanoke, Virginia, on December 10, 2020, at 1:00 p.m., or at such other time or times as the District Court may direct.

ENTER: This 9th day of December 2020.

Robert S. Ballou

United States Magistrate Judge

TO THE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF VIRGINIA, OR ANY AUTHORIZED UNITED STATES MARSHAL OR ANY OTHER AUTHORIZED FEDERAL LAW ENFORCEMENT AGENT/OFFICER:

TO EXECUTE:

WE COMMAND that you proceed to the New River Valley Regional Jail, and remove therefrom the body of **GARY DONEL SMITH**, and produce him under safe and secure conduct before the United States District Court for the Western District of Virginia, at Roanoke, Virginia, on December 10, 2020, at 1:00 p.m. or at such other time or times as the District Court may direct; and upon completion of the case, return the said **GARY DONEL SMITH**, to the Western Virginia Regional Jail.

JULIA C. DUDLEY
CLERK OF COURT

BY:  Deputy Clerk


CUSTODY ASSUMED:

EXECUTED this _____ day of December 2020.

BY: _____
United States Marshal/Deputy or
Authorized Federal Law Enforcement Agent/Officer

RETURNED:

EXECUTED this _____ day of December 2020.

BY: _____
United States Marshal/Deputy or
Authorized Federal Law Enforcement Agent/Officer

SENTENCED STATE PRISONER: Yes: _____ No: _____